REMARKS

This Amendment, filed in reply to the Office Action dated March 15, 2005, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

As a preliminary matter, Applicant corrects informalities in the disclosure as set forth above.

Turning to the merits of the Office Action, claims 1-12 remain pending in the application. Claims 1, 3-4, 6-7, 9-10 and 12 have been rejected under 35 U.S.C. § 102 as being anticipated by Kimbell (U.S.P. 6,456,732). Claims 2, 5, 8 and 11 have been rejected under 35 U.S.C. § 103 as being obvious over Kimbell in view of Johnson (U.S.P. 5,748,755). Applicant respectfully submits the following arguments in traversal of the prior art rejections.

Applicant's invention relates to an image outputting device that can output both a photo and an image file. A conventionally known imaging device can output both types of data. However, because the disparate forms of output include different total pixels and aspect ratios, the magnification for one may not be appropriate for the other. Applicant's invention provides a correct magnification for each type of output.

In an exemplary embodiment, a print magnification is determined such that a print size is inscribed in a standard scan area which is previously defined based on assorted sizes of an original. The image data magnification is determined relative to pixel numbers of an original which are inscribed in the standard scan area.

Turning to the cited art, Kimbell relates to a type of copier device whereby a scanned image can be reproduced without excessive white space that would reduce the size of the scanned image. Kimbell recognized that previously known copiers required significant user intervention to select the proper orientation of an image and to fit the image to a particular target size. Kimbell sought to automate the scaling and orientation of scanned images to a hard copy output. Fig. 1A of Kimbell illustrates an image 100 of scanned text and a boundary area 104. Fig. 1B illustrates a typical output where an image 100 is output to a printable area 108. Inclusion of the boundary 104 causes the area of interest (i.e. the text) to be reduced in size. Kimbell teaches an apparatus to automatically crop the boundary area 104 to place the text area at the same size or larger as the original. In this regard, the optical orientation and scaling are automatically determined based on the size and shape of the original image, but not the boundaries of an original document. Col. 1, lines 57-60. Kimbell et al. discloses cropping (cutting off margins or trimming), rotating, and scaling an image in order to print the image as large as possible, wherein if a scanned image does not fit within a printable area of a printed page, data corresponding to the margins (white space) of the scanned image is first deleted, and if the scanned image with all white space cropped still does not fit in, the image is next rotated, and if the cropped and rotated image still does not fit in, the image is further scaled to fit within the printable area of the printed page, and lastly the resolution of the scanned image which fit within the printable area is adjusted to be the same as the resolution of the printer.

Johnson relates generally to formation of documents imprinted with an individual's image for security purposes.

The Examiner contends that Kimbell teaches or suggests each feature of independent claim 1. Applicant submits that Kimbell fails to teach each feature of claim 1 for at least the following three reasons.

First, claim 1 describes a process for determining a photo magnification and an image data file magnification. To the extent Kimbell teaches the magnification, such as an adjustment of size for an output image, there is no further teaching of an output **image file of a particular magnification**. The Examiner's reliance on the general teachings of col. 2 of Kimbell would indicate that the improper use of double-counting, since the discussion of the print magnification is also being cited to teach image file data magnification. Applicant submits that the change in a magnification for a photo (print) output would not inherently include a change in magnification of the image file. Moreover, to the extent an image file may be changed in Kimbell, the change would not inherently include magnification such that the image file size which is previously defined is inscribed in the standard scan area as claimed.

Second, claim 1 describes a print magnification such that a printing size is inscribed in a standard scanning area, which is previously defined, based on various longitudinal and transverse sizes of sorts of originals. The Examiner relies on the cropping of a scanned image to teach this aspect of the magnification. However, the cropping pertains to a variable parameter, which cannot correspond to a standard scanning area which is previously defined. Applicant submits that Kimbell specifically teaches that scaling will be based on the size of an original image area and not on a paper size. Therefore, Kimbell teaches away from reliance on any predefined scan area to set a photo output magnification.

Third, independent claim 1 recites the image processing apparatus for outputting **both** of first image data used to produce a **photo-print** and second image data used to produce an **image file**, comprising both of a printing magnification determining device for determining printing magnification used when the photo-print is outputted in such a manner that a printing size is inscribed in a standard scanning area and a digitizing magnification determining device for determining digitizing magnification used when the image file is outputted in such a manner that an image file size is inscribed in or circumscribed about the standard scanning area, and a image forming apparatus using such an image processing apparatus. Kimbell merely discloses the cropping, rotating and scaling of the image as well as the adjusting the resolution in order to optimize the print by the printer. Assuming *arguendo* that Kimbell discloses outputting the image data for printing by the printer, that is, outputting the image data used to produce a photo-print, it does not disclose outputting the image data used to produce an image file.

Independent claims 4, 7 and 10 are patentable due to analogous recitations. The remaining claims are patentable based on their dependency.

With further regard to claims 2, 5, 8 and 11, the Examiner concedes that Kimbell fails to teach the features of these claims, but cites Johnson to make up for the deficiencies. However, Kimbell does not teach the features lacking in the primary Kimbell reference as discussed above. Therefore, claims 2, 5, 8 and 11 are patentable for this additional reason.

The Examiner cites Johnson et al. for allegedly disclosing an image display device and the printing magnification determining device of the present invention in order to reject dependent claims 2, 5, 8 and 11 of the present application. The Examiner relies on PC (personal

computer) 220, 120 of Johnson et al. for corresponding to the image display device and pointed out PC (personal computer) 20 of Johnson for corresponding to the printing magnification determining device. However, the PC 20 and the PC 120, 220 in Johnson et al. have the totally same function. No operations of the computers involve the printing magnification determining device of these claims.

As a matter of course, Johnson et al., as well as Kimbell et al., does not disclose outputting the image data used to produce an image file. Consequently, it does not disclose outputting both of the image data used to produce a photo-print and the image data used to produce an image file.

The Examiner cited respective portions in Kimbell et al. and Johnson et al. for allegedly disclosing the requirements of the present claims, however, those portions are quite improper. The Examiner's rejection is also improper in view of this point.

For example, in the Office Action, the Examiner cited Column 1, lines 33 to 34 and Column 2, line 48 of Kimbell et al. for allegedly disclosing a computer connected to a printer in dependent claims 2, 5, 8 and 11. However, the former portion only discloses computer software applications and the latter only discloses a digital cropping. Hence, the Examiner's citation is improper.

Also, the Examiner cited Column 4, line 3 of Kimbell et al. for allegedly disclosing a computer 20 corresponding to a digitizing magnification changing device of the present application for changing digitizing magnification. However, the computer 20 is disclosed in Johnson et al. and not disclosed in Kimbell et al. and thus the Examiner's citation is improper.

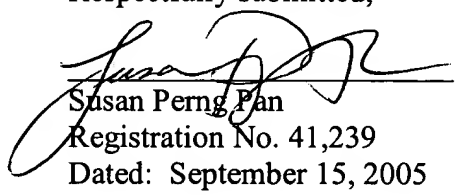
Furthermore, the dependent claims 3, 6, 9 and 12 of the present application further require to provide the digitizing magnification changing device in addition to the image display device and the printing magnification changing device required in dependent claims 2, 5, 8 and 11. The Examiner rejected Claims 2, 5, 8 and 11, which have the fewer requirements, under the obviousness over the combination of Kimbell et al. and Johnson et al. and rejected Claims 3, 6, 9 and 12, having more requirements, under the anticipation by Kimbell et al. This would appear to be inconsistent, such that an anticipation rejection of dependent claims 3, 6, 9 and 12 is apparently improper.

Applicant adds claims 13-14 to describe features of the invention more particularly.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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